



***DRAFT* Summary Minutes of the
Delta Protection Commission Meeting
Thursday, May 22, 2014**

Jean Harvie Community Center
14273 River Road, Walnut Grove, CA 95690

ADMINISTRATIVE AGENDA

1. Call to Order/Flag Salute.

Chair Ruhstaller called the meeting to order at 5:04 p.m. and initiated the flag salute.

2. Roll Call

Present: Chair Ruhstaller, Commissioners Bugsch, Cabaldon, Ferguson, Ferrara (for Commissioner Laird), Nottoli, Richardson, Schubert (for Commissioner Ross), Scriven, van Loben Sels, Villegas, and White (for Commissioner Kelly). A quorum was established with twelve Commissioners present.

Vice-Chair Piepho arrived at 5:14 p.m. and Commissioner Miller arrived at 5:19 p.m.
Ex-Officio Member Assemblymember Jim Frazier arrived at 5:20 p.m.

Absent (with no Alternate Commissioner present): Commissioner Thomson

3. Welcome and Public Comment. Opportunity for the Public to Address the Commission Regarding Items Not on the Agenda

Chair Ruhstaller welcomed the other members of the Commission, staff, and the audience members. He introduced Norman Richardson, Mayor of Rio Vista, as the new Commissioner representing the cities of Contra Costa and Solano Counties. He also thanked Commissioner Nottoli for providing the meeting refreshments. He asked for any public comments and there was none.

CONSENT AGENDA

4. Approval of March 27, 2014 Meeting Minutes

It was moved by Commissioner Nottoli and seconded by Commissioner Bugsch to approve the March 27, 2014 Minutes; in a voice vote, the motion carried unanimously.

REGULAR AGENDA

5. Receive Executive Director Report

Mr. Erik Vink presented his report to the Commission. He reported that the Commission and the Delta Conservancy will hold a visioning workshop for the Clarksburg Japanese School (Holland Union Gakuen) at the Old Sugar Mill in Clarksburg on May 30; that the Commission is developing a pilot program for Delta communities to prepare community action plans that promote economic vitality while preserving the sense of place of these communities; that progress is being made with the Abandoned Vessels working group efforts, the Delta Trail, and the update to our Recreation Inventory, with more details at future meetings; that the Delta Flood Risk Management Assessment District effort will be one of the Commission's more prominent efforts in the next year; that the Delta Stewardship Council held its first Implementation Committee Meeting on April 9, with the Commission represented by Vice-Chair Piepho; that DWR is unlikely to install drought barriers in the Delta this summer, although there is still a possibility that construction of the barriers could begin but not sooner than July 15th.

Mr. Vink gave a briefing on staff changes, reporting that staff was saddened that Alex Westhoff had left the Commission on April 25 to begin a new job with the Marin County Planning Department. Nicole Bert joined the Commission staff on May 19 as Communication Specialist. He also reported that the Commission is in the process of filling two vacancies; a staff planner to replace Alex Westhoff and a Delta Program Manager, with interviews taking place in early June. He hoped that by the next Commission meeting these positions would be filled.

On the strategic plan, Commissioners voted at the last meeting on a proposed Mission Statement and Commissioners were asked to provide input following the meeting regarding Goals and Objectives.

Finally, Mr. Vink announced that Mark Wilson has stepped down from serving as the liaison advisor for the Commission to the Delta Conservancy board, and that he would temporarily fill in until the Commission appoints another advisor at a future meeting.

6. Consider Approval of Delta Protection Advisory Committee (DPAC) appointments

Mr. Vink explained that 13 of 15 committee members have already been approved by the Commission and that an additional application had been received from Ms. Ramona Fernandez of CA Department of Parks and Recreation (Division of Boating and Waterways).

It was moved by Vice-Chair Piepho and seconded by Commissioner Miller to approve Ramona Fernandez as a member of the Delta Protection Advisory Committee; in a voice vote, the motion carried unanimously.

7. Receive an update on Delta branding effort

Mr. Vink introduced this item by explaining that the Delta branding effort was originally intended to be used in support of the proposed National Heritage Area and regional marketing efforts, in partnership with the Delta Conservancy. The next phase, development of a marketing plan, will be funded by a grant from the U.S. Economic Development Administration to the Delta Conservancy.

Mr. Vink also asked for input from Commissioners on the proposed logos and detailed the next steps in the joint Commission and Conservancy work, including development and selection of a final logo using input received, and proceeding with preparation of a brand standards handbook. He then introduced Julie Amos from AugustineIdeas, the consultant hired under contract for the development of a Delta logo.

Ms. Amos presented the different proposed logos and discussed the process her firm undertook to research and meet with Delta interests to develop them, including meeting with small groups and individuals leading up to focus group sessions. She described the elements of the Delta that came up most frequently and how those were creatively used in the proposed logos, which were presented on boards using true color chips.

Chair Ruhstaller asked for public comment.

Bill Wells, from the California Delta Chambers & Visitor's Bureau, commented that he participated in one of the branding workshops. He opposed the use of the name "Sacramento-San Joaquin Delta" rather than "California Delta", which has been used by the Delta Chambers and others in national marketing and in published books. He felt that no one outside of the state would recognize it by anything other than the "California Delta", and commented that water exporters and state agencies are the only ones to use "Sacramento-San Joaquin Delta". He continued by stating the proposed logos were not sufficiently vibrant. He felt that new logos should be developed with more vibrant colors and that better reflect features such as Mt. Diablo, waterways, and the Delta landscape. He also commented that some of the proposed logos looked similar to the Delta Conservancy's logo.

Thomas Herzog, Director of the Sacramento River Delta Historical Society, commented that he agreed with Mr. Wells and that pears and grapes were important agricultural commodities that should be included.

Mr. Vink explained that the contract with AugustineIdeas is almost complete, and that a logo and brand standards will be developed and finalized in the near future. He stated that the marketing plan would be developed through the Delta Conservancy's marketing contract. Mr. Vink then turned the floor over to Ms. Amos for her response to the public comments. Ms. Amos said she appreciated the feedback and comments and expressed that it was important to capture something that was representative and something the people could get behind.

Vice-Chair Piepho asked Mr. Vink who would make the final logo decision. Mr. Vink answered that ultimately this was the Commission's decision, but that he didn't feel there would be vast disagreement among the team (Commission, Conservancy and AugustineIdeas). He stated he was seeking Commissioner input but was not looking for a vote.

Vice-Chair Piepho said she personally liked the colors and the approach, but that there was not one logo that stood out for her. She thought it was important to keep the Sacramento-San Joaquin distinction.

Commissioner Miller shared her opinions about the proposed logos and commented that she saw value in using the California Delta distinction in the logo.

Commissioner Cabaldon commented that there was a science to colors and design schemes that should direct the logo design, and encouraged the Commission staff and the design team to remember that people should be depicted in the logo in some way. He also agreed with the California Delta moniker.

Commissioner Richardson stated that he agreed with calling it the California Delta and expressed his preference for the fourth logo presented.

Commissioner Scriven believed it should be called the Sacramento-San Joaquin Delta. He did not want the Delta to be viewed as a state resource for all of California to drain its water. He did not oppose California being added in, but that Sacramento-San Joaquin should remain in the logo.

Commissioner Bugsch felt the logos all covered the important landmarks and colors and represented what he felt were essential aspects of the Delta. He expressed that California would be accurate for marketing, but that the region is the Sacramento-San Joaquin Delta.

Ms. Amos clarified that they had discussed the issue of the Sacramento-San Joaquin Delta vs. the California Delta and the design team had decided on the former. She also addressed the selection of colors saying that they heard from stakeholders that the Delta was a place to relax and represented a calm, laid-back atmosphere, and so they had

chosen calm, relaxing colors for some of the proposed logos, and vibrant inviting colors in other proposed logos.

Commissioner Nottoli reiterated that the people of the Delta are not to be forgotten. There are more than 500,000 people who call this region home and they need to be incorporated into the logo in some way to capture the spirit of the Delta.

Commissioner Ruhstaller asked about how this would be discussed at the Conservancy and about next steps. Mr. Vink said that AugustineIdeas would make a similar presentation to the Conservancy, and following that meeting, feedback and comments would be incorporated for consideration by the design team for selection of the final logo design.

8. Receive update on Bay Delta Conservation Plan (BDCP) efforts and consider approval of draft comment letter

Mr. Vink presented his staff report, matrix of comments and proposed draft comment letter to the Commissioners. He also presented simulations created for the Commission that depicted the proposed BDCP water intake structures in relation to the town of Hood. The simulations depicted road, waterway and aerial views before and after the water intake construction, explaining that Commission staff felt that there were no real depictions from DWR to help people understand the scale of the construction. He also explained that the exact BDCP construction may look different in reality, but felt that the scale was accurate according to the information provided in the BDCP documents.

Chair Ruhstaller asked for any Commissioner comments.

Commissioner Nottoli asked who the letter would be addressed to. Mr. Vink responded that it would be sent to Ryan Wulff per the BDCP environmental document instructions, but that the Commission would also copy DWR, the Bureau of Reclamation, the Natural Resources Secretary, and others.

Commissioner Scriven summarized a comment from Dante Nomellini about the BDCP's preferred alternative being inconsistent with the Commission's Economic Sustainability Plan. Mr. Vink replied that the comment letter addressed the Economic Sustainability Plan in several areas and that such a comment could be stated more explicitly.

Assemblymember Frazier commented that he chaired an Assembly Accountability and Administrative Review Committee hearing on BDCP, and felt that DWR's opinion was that restoration of the Delta was far less of a priority than water supply reliability for water exporters. He expressed that devastating the ecosystem of one third of the state for the benefit of other parts of the state does not sound like a fair deal.

Commissioner Ferguson expressed support for stronger language in the agriculture section of the letter, with the loss of highly productive agricultural land due to tunnel construction and ecosystem restoration a great concern.

Commissioner Cabaldon expressed concern about the proposed conveyance alternatives mentioned in the letter and wanted to be certain that such alternatives would be identified and not detrimental to other areas of the Delta, as is the case with the alternative proposal to convey export water down the Sacramento deep water ship channel.

Commissioner Ferrara stated that he took exception to the statement in the letter that BDCP is all about conveyance and not about the coequal goals. He asked that Appendix 3A of BDCP be reviewed where the alternatives to the BDCP were listed and analyzed. He also commented that we need to be sure the construction simulations were accurate, and added that DWR is developing their own set of simulations.

Commissioner Schubert stated that she was confident that BDCP would allow for enough water to protect threatened species and Delta out flow while moving water more safely to users south of the Delta. She felt that everyone needed to be looking at the statewide water supply impacts and urged the Commission to reconsider their opposition to the BDCP.

Chair Ruhstaller asked for any public comment.

Greg Zlotnick of San Luis Delta Mendota Water Authority commented that the Commission's Land Use and Resource Management Plan must be consistent with the Delta Plan and not vice versa, as the draft comment letter seems to indicate. He asked that the Commission remember that BDCP is a habitat and restoration plan, and that BDCP performed a thorough review of alternatives in Appendix 3A before dismissing some because they did not meet specific criteria. He disagreed with the overall statement of the comment letter that the way to improve the project is to not do the project.

Burt Wilson, Delta resident, first commented on the logo discussion (he thought there needs to be more direction to the design team) before stating that the water contractors having approval authority over the habitat scientists is ludicrous. He stated the EIR/EIS habitat restoration must be vetted with the tunnels in operation and not be completed before the tunnels are operating.

Nikki Suard, owner of Snug Harbor Marina, commented on a prior recreation study completed for the Delta Vision group in 2007 that estimated recreational fishing and boating generated \$1.2 billion in yearly economic activity. She expressed concern that this economic activity could be lost with BDCP construction.

Melinda Terry, California Central Valley Flood Control Association and Delta resident, said she believed the water intake simulations are good representations of what this construction would look like, based on her review of the BDCP documents. She also commended the Commission for holding the BDCP workshop so Delta residents could have a chance to voice their comments. She stated that the Commission might want to review the Central Valley Flood Protection Board letter for its comments on flood control and public safety. Ms. Terry also referenced BDCP issues regarding emergency preparedness due to relocation of major Delta roads from the tops of levees onto areas in the floodplain; dewatering subsidence issues that would affect agriculture and residents; and the increase in mosquito populations from habitat restoration efforts.

Chair Ruhstaller asked for additional comments from the Commission.

Assemblymember Frazier appreciated Ms. Terry coming and sharing her insight, stating that she has provided very useful testimony at the Capitol.

Commissioner Villegas felt the tone and content of the letter was good and covered the issues that had been conveyed before by Commissioners. He also was concerned with supporting alternatives that have not been thoroughly discussed.

Commissioner Richardson also agreed that the letter had the correct tone and covered items not commented on by others.

Commissioner Cabaldon stated the mitigation suggested in the matrix was extremely measured and not sufficient, and encouraged staff to review and strengthen the measures.

Commissioner Nottoli thanked the staff and others who have contributed to the draft letter and matrix. He also thanked staff for the construction simulations and feels it is important to see the impacts. He thought the agricultural acreage cited in the comment letter understated the agricultural losses. He also stated that there are things that cannot be mitigated for and that fact should be referenced in some way in the matrix or comment letter.

Chair Ruhstaller commented that the unavoidable impacts need to be called out above all else as well as how the lack of an implementing agreement makes it very difficult to comment on the project and those unknown factors. He did not feel the Advisory Committee was an appropriate place for the Commission as we are a state agency.

Mr. Vink discussed the options for moving forward: vote to send the letter as drafted, convene a special meeting of the Commission to approve a revised comment letter prior to the June 13 deadline, or refer the staff edits to a revised comment letter to a subcommittee of 2 Commission members

with the authority to finalize the letter (would not require a public meeting notice) or a subcommittee of three or more Commission members (would require a public meeting).

After a discussion of alternatives and polling of date availability, it was moved by Vice Chair Piepho and seconded by Commissioner Nottoli to hold a Commission meeting on June 9, 2014, to approve a revised BDCP comment letter and accompanying matrix; in a voice vote, the motion carried unanimously.

9. Receive update on State water bond proposals and Delta Investment Fund

Mr. Vink referred to the materials provided to Commissioners, specifically a letter from the Delta water agencies and others to Assemblymember Rendon advocating for changes to his Assembly Bill 1331, including adding the Commission as an entity to receive funding for Delta economic sustainability efforts. He explained that both the Commission and the Conservancy are mandated to address economic sustainability in the Delta. He referred to the Delta Investment Fund flyer and stated that the Fund was created to accept funds for economic sustainability efforts, including any funding provided through the water bond. He wanted to bring it to the Commissioner's attention to inform them that the Commission does have a vehicle for that funding.

Assemblymember Frazier added his insight on the steps to adopt a water bond, and felt confident Senator Wolk's bill would be the water bond measure that advances.

Vice Chair Piepho felt it was important to comment on what we do and do not like about the 2009 bond language and also what is being proposed.

Chair Ruhstaller commented that there would more than likely be last minute changes and on June 9th we would know more about those changes. Following a discussion among Commissioners and Deputy Attorney General Jessica Tucker-Mohl, Chair Ruhstaller clarified that the June 9 meeting would be a full Commission Meeting.

10. Commissioner Comments/announcements

Chair Ruhstaller asked for any Commissioner comments and there were none. He reported that he and Vice Chair Piepho were still working on the Delta invasive weed project and had received notice of a \$750,000 USDA grant.

Mr. Vink reminded the Commission the next meeting will be on June 9th in Stockton beginning at 6pm.

11. Adjourn

Chair Ruhstaller adjourned the meeting at 7:37 p.m.